

Exhibit C

From: Ewart, Jason C.
To: [Pai, Rohan](#); [Dickinson, Charles](#); [Hall, Laura](#); [Wint, Corene](#); [Ma, Rachel](#); [RobertBernheim-contact](#); [JaymeWeber-contact](#); [NicoleGordon-contact](#); [ShiraHoffman-contact](#); [AmandaHamilton-contact](#); [WillMargrave-contact](#); [PaulHarper-contact](#); [BrianYost-contact](#); [SchonetteWalker-contact](#); [GaryHonick-contact](#); [LucusTucker-contact](#); [SamanthaFeeley-contact](#); [JeffHerrera-contact](#); [JuliaMeade-contact](#); [CherylHiemstra-contact](#); [AngieMilligan-contact](#); [ChristineCortez-contact](#); [WilliamYoung-contact](#)
Cc: [Wolf, Matthew M.](#); [Pfaffenroth, Sonia Kuester](#); [Davis, Joshua M.](#); [Kientzle, Michael](#); [Yasmine Harik -contact](#); [Holler, John](#); [Cleveland, Christina](#); [mark.perry@weil.com](#); [Luna.Barrington@weil.com](#); [Bambo.Obaro@weil.com](#); [Luke.Sullivan@weil.com](#); [thassi@debevoise.com](#); [mschaper@debevoise.com](#); [srselden@debevoise.com](#); [nborn@debevoise.com](#); [jmfried@debevoise.com](#); [mcardena@debevoise.com](#); [tebuckley@debevoise.com](#); [htmehler@debevoise.com](#); [msventim@debevoise.com](#); [mike.cowie@dechert.com](#); [james.fishkin@dechert.com](#); [thomas.miller@dechert.com](#); [emainigi@wc.com](#); [jpitt@wc.com](#); [apodoll@wc.com](#); [Holler, John](#); [Ellingsen, Andrew](#)
Subject: RE: 3:24-cv-00347-AN FTC et al. v. Kroger Co. et al. - Expert Report of Dr. Mark Israel
Date: Tuesday, July 30, 2024 11:31:00 PM
Attachments: [image001.png](#)
[2024.07.30 - FTC v. Kroger Albertsons - Israel Surrebuttal Report - Federal - HIGHLY CONFIDENTIAL.pdf](#)

Counsel –

Please see the attached surrebuttal report of Dr. Mark Israel. This report has been designated Highly Confidential pursuant to Paragraph 7 of the Stipulated Protective Order entered by Judge Nelson on April 29, 2024 in this matter on February 27, 2024.

Pursuant to Paragraph 11(b) of the Case Management and Scheduling Order entered by Judge Nelson on April 12, 2024, the backup data for the report will be sent in a separate email. The backup file has the following password: **tXCXU2eNRnOeXLK**.

Thanks,
 Jay Ewart

From: Ewart, Jason C. <Jason.Ewart@arnoldporter.com>
Sent: Saturday, July 20, 2024 8:13 PM
To: [Dickinson, Charles](#) <cdickinson@ftc.gov>; [Pai, Rohan](#) <rpai@ftc.gov>; [Hall, Laura](#) <lhall1@ftc.gov>; [Wint, Corene](#) <cwint@ftc.gov>; [Ma, Rachel](#) <rma@ftc.gov>; [RobertBernheim-contact](#) <Robert.Bernheim@azag.gov>; [JaymeWeber-contact](#) <Jayme.Weber@azag.gov>; [NicoleGordon-contact](#) <Nicole.Gordon@doj.ca.gov>; [ShiraHoffman-contact](#) <Shira.Hoffman@doj.ca.gov>; [AmandaHamilton-contact](#) <Amanda.Hamilton@dc.gov>; [WillMargrave-contact](#) <will.margrave@dc.gov>; [PaulHarper-contact](#) <Paul.Harper@ilag.gov>; [BrianYost-contact](#) <Brian.Yost@ilag.gov>; [SchonetteWalker-contact](#) <swalker@oag.state.md.us>; [GaryHonick-contact](#) <ghonick@oag.state.md.us>; [LucusTucker-contact](#) <LTucker@ag.nv.gov>; [SamanthaFeeley-contact](#) <SFeeley@ag.nv.gov>; [JeffHerrera-contact](#) <jherrera@nmag.gov>; [JuliaMeade-contact](#) <jmeade@nmag.gov>; [CherylHiemstra-contact](#) <Cheryl.Hiemstra@doj.state.or.us>; [AngieMilligan-contact](#) <amilligan@lvklaw.com>; [ChristineCortez-contact](#) <cortez@lvklaw.com>; [WilliamYoung-contact](#) <william.young@wyo.gov>
Cc: [Wolf, Matthew M.](#) <Matthew.Wolf@arnoldporter.com>; [Pfaffenroth, Sonia Kuester](#) <Sonia.Pfaffenroth@arnoldporter.com>; [Davis, Joshua M.](#) <Joshua.Davis@arnoldporter.com>; [Kientzle, Michael](#) <Michael.Kientzle@arnoldporter.com>; [Yasmine Harik -contact](#) <yasmine.harik@arnoldporter.com>; [Holler, John](#) <John.Holler@arnoldporter.com>; [Cleveland, Christina](#) <Christina.Cleveland@arnoldporter.com>; [mark.perry@weil.com](#);

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mike.cowie@dechert.com; james.fishkin@dechert.com; thomas.miller@dechert.com;
emainigi@wc.com; jpitt@wc.com; apodoll@wc.com; Holler, John <John.Holler@arnoldporter.com>;
Ellingsen, Andrew <Andrew.Ellingsen@arnoldporter.com>

Subject: RE: 3:24-cv-00347-AN FTC et al. v. Kroger Co. et al. - Expert Report of Dr. Mark Israel

Counsel –

Please see the attached errata and corrected report of Dr. Mark Israel. This report has been designated Highly Confidential pursuant to Paragraph 7 of the Stipulated Protective Order entered by Judge Nelson on April 29, 2024 in this matter on February 27, 2024.

Pursuant to Paragraph 11(b) of the Case Management and Scheduling Order entered by Judge Nelson on April 12, 2024, the backup data for the errata will be available shortly on the Compass Lexecon SFTP.

Thanks,
Jay Ewart

From: Ellingsen, Andrew <Andrew.Ellingsen@arnoldporter.com>

Sent: Monday, July 1, 2024 4:26 PM

To: cdickinson@ftc.gov; rpai@ftc.gov; lhall1@ftc.gov; cwint@ftc.gov; rma@ftc.gov;
robert.bernheim@azag.gov; jayme.weber@azag.gov; nicole.gordon@doj.ca.gov;
shira.hoffman@doj.ca.gov; amanda.hamilton@dc.gov; will.margrabe@dc.gov;
paul.harper@ilag.gov; brian.vost@ilag.gov; swalker@oag.state.md.us; ghonick@oag.state.md.us;
ltucker@ag.nv.gov; sfeeley@ag.nv.gov; jherrera@nmag.gov; jmeade@nmag.gov;
cheryl.hiemstra@doj.state.or.us; amilligan@lvklaw.com; cortez@lvklaw.com;
william.young@wyo.gov

Cc: Wolf, Matthew M. <Matthew.Wolf@arnoldporter.com>; Pfaffenroth, Sonia Kuester <Sonia.Pfaffenroth@arnoldporter.com>; Davis, Joshua M. <Joshua.Davis@arnoldporter.com>; Kientzle, Michael <Michael.Kientzle@arnoldporter.com>; Ewart, Jason C. <Jason.Ewart@arnoldporter.com>; Harik, Yasmine <Yasmine.Harik@arnoldporter.com>; Holler, John <John.Holler@arnoldporter.com>; Cleveland, Christina <Christina.Cleveland@arnoldporter.com>; mark.perry@weil.com; zzz.External.Luna.Barrington@weil.com <Luna.Barrington@weil.com>; zzz.External.Bambo.Obaro@weil.com <Bambo.Obaro@weil.com>; zzz.External.Luke.Sullivan@weil.com <Luke.Sullivan@weil.com>; thassi@debevoise.com; mschaper@debevoise.com; srselden@debevoise.com; zzz.External.nborn@debevoise.com <nborn@debevoise.com>; jmfried@debevoise.com; mcardena@debevoise.com; tebuckley@debevoise.com; htmehler@debevoise.com; msventim@debevoise.com; zzz.External.mike.cowie@dechert.com <mike.cowie@dechert.com>; zzz.External.james.fishkin@dechert.com <james.fishkin@dechert.com>;

zzz.External.thomas.miller@dechert.com <thomas.miller@dechert.com>;
zzz.External.emainigi@wc.com <emainigi@wc.com>; jpitt@wc.com; zzz.External.apodoll@wc.com
<apodoll@wc.com>; Holler, John <John.Holler@arnoldporter.com>

Subject: 3:24-cv-00347-AN FTC et al. v. Kroger Co. et al. - Expert Report of Dr. Mark Israel

Dear Counsel,

Attached please find the expert witness report of Dr. Mark Israel. Note that this report is designated Highly Confidential pursuant to Paragraph 7 of the Stipulated Protective Order entered by Judge Nelson on April 29, 2024.

Pursuant to Paragraph 11(b) of the Case Management and Scheduling Order entered by Judge Nelson on April 12, 2024, the backup data and materials relied upon by Dr. Israel but not previously produced are being sent by FTP to the service list for this matter and the individuals identified by Complaint Counsel at Bates White.

Best,
Andrew

Andrew Ellingsen

Associate | [Bio](#)



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